30th January 1934]

VI.—A BILL TO AMEND THE MADRAS HINDU RELIGIOUS ENDOWMENTS ACT, 1926 (BILL No. 19 OF 1933).

* Mr. P. V. Krishnayya Choudari :—" Mr. President, Sir, I beg to move—

'*that the Bill to amend the Madras Hindu Religious Endowments Act,* 1926 (*Bill* No. 19 [a] *of* 1933) *be referred to a Select Committee.*'

In doing so, I want to say a few words. In ancient times, Hindu Rajas granted several inams to *archakas* for the performance of certain religious duties. If the *archakas* failed to discharge those duties, those inams were resumed and granted again to people who discharged those duties. After the advent of the British Government, the same rule is not observed. These inams have been converted into seri land and pattas have been granted to persons who were enjoying those lands. By this process, the temples which were benefited previously are not benefited now. The defaulters, that is, those who have failed to discharge the duties for which the inams were granted to them get all rights with regard to sale and mortgage of their inams by converting these lands into seri. The object of the Bill is to safeguard the interests of the temples and the properties which have been endowed to them by the ancient Rajas. That is the main principle of the Bill and I request hon. Members to accept my motion to refer this Bill to a Select Committee, so that this principle may be given effect to. I move that the following Members may constitute the Select Committee :—

Diwan Bahadur Sir Alladi Krishnaswami Ayyar.
The hon. the Raja of Bobbili.
The hon. Sir Archibald Campbell.
Rao Sahib P. Subrahmanyam Chetti.
Mr. G. Lakshmana Reddi.
Mr. G. Sriramulu.
Diwan Bahadur B. Muniswami Nayudu.
Mr. P. V. Krishnayya Choudari.
Mr. P. Peddiraju.
Mr. K. Singam Ayyangar.
Mr. A. B. Shetty.
Rao Bahadur D. Krishnamurti.
Rao Bahadur C. Natesa Mudaliyar.
Mr. K. Kesavaramamurti Nayudu.
Mr. K. Koti Reddi.
Mr. P. M. Thangal."

* Mr. K. Koti Reddi :—" Sir, I second the motion of my hon. Friend. I really do not think it is necessary to refer this Bill to a Select Committee, because there is a feeling in this country that already

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[a] Published in the *Fort St. George Gazette* on 28th November 1933.

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the matter has been delayed too long. But the hon. the Mover has thought it fit to refer the Bill to a Select Committee and I do not wish to say anything about it.

"With regard to the necessity for a Bill of this sort, there cannot be two opinions. The difficulty has arisen on account of a decision of the Privy Council with regard to inam lands to the effect that what was presumed to be conveyed in cases of such grants was the melvaram and not the kudivaram. On account of this decision, the Government have been granting pattas to alienees of temple property—inam lands. But it was not the intention of the grantors of these inam lands to archakas and other servants of the temple to grant only the melvaram. On account of this decision, inams which concern with the village economy, viz., artizan inams, i.e., inams granted to carpenters, washermen and potters have already in many places been alienated and the Government have granted the pattas to the alienees. In some places the Government grants the assessment to the man who performs the service. This has not helped the villagers much. The case is not so bad with regard to inams connected with temples. Somehow people have been under the impression that such inams cannot be alienated or mortgaged. Recently the impression is changed and a number of cases have occurred in which inams have been alienated or mortgaged with the result that the alienee gets the patta and the Government grants the assessment to the trustees of the temple to get the service performed. Property is thus lost to the temple. Whatever may be the value of the property, there is always a tendency to stick to it and make the best of it. It is certainly more valuable than the mere assessment fixed by the Government. Besides, it was never the intention of the grantors of these properties, as I have already pointed out, to grant anything less than the full title to property to the temple. The present practice is really an inroad on the rights of the temple and it is the result of the decision of the Privy Council. Though it is already late, I do not think it is too late. The time has come when such alienations ought to be prohibited altogether. If there is doubt with regard to the wisdom of the procedure proposed in the Bill, I am sure the Select Committee will go into the matter and amend it. I support the motion moved by my hon. Friend."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, I think I must oppose this motion. The object of this Bill is to provide that '*in the absence of evidence to the contrary it shall be presumed that all devadayam inams, and inams granted for doing services in temples or maths are grants of both melvaram and kudivaram rights*' and certain other purposes. Sir, at the time of the inam settlement, the distinction between kudivaram and melvaram rights was recognized and all that the Government did in granting those inams was to grant their rights, that is to say, the melvaram rights. It is possible that in certain cases the inamdar might have possessed also the kudivaram right and in that case he would be in possession of both kudivaram and melvaram rights after receiving the inam from the Government. But

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unless he is in possession of the kudivaram right when the inam is made, he does not get that right. This Bill would have the effect of dispossessing the tenants of the inamdar who have the kudivaram right. It would be an expropriatory measure in favour of the inamdar and against the kudivaramdar and therefore I am bound to oppose this motion."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, the hon. the Revenue Member has opposed the Bill from one point of view, but he has not so far raised any objection to the real principle of the Bill. No doubt, the Bill, as drafted, is very wide in its scope and it might be considered to affect adversely the existing rights. The main principle of the Bill is this: there are a number of inams consisting of grants of both kudivaram and melvaram which were granted for the performance of certain services. If those services are not performed now and if a case for resumption of those inams is made out, the Government may resume those inams and add them to the property of the temple, so that they may be granted again to persons who perform those services for which the inams were originally granted. That is the main object of the Bill. If the Bill goes to the Select Committee it will be possible to protect the interests of those on whom titles have been conferred. The Government may be in a position to resume certain inams in order to protect the property of the temple and grant them to persons who may be appointed to perform the services in future. Under these circumstances, I think the hon. the Revenue Member will see his way to let the Bill go to the Select Committee so that the objections that he has urged might be removed and necessary safeguards provided by way of exceptions to the general principle of the Bill. So that in future where a case has been made out for the resumption of an inam consisting of both the kudivaram and the melvaram, the resumption might operate in favour of the temple and in favour of the holder of the office who may be doing the services for which the inam was originally granted."

Mr. DEVADASAN:—"I move that Standing Order No. 39 (2) be suspended and that the following Members be added to the Select Committee."

* The hon. the PRESIDENT:—"The hon. Member may wait till the discussion on this motion is finished. There is opposition raised to the motion itself."

* Mr. T. C. SRINIVASA AYYANGAR:—"As my hon. Friend, Mr. Muniswami Nayudu, said, there will no doubt be an opportunity in the Select Committee to set right the difficulties. However, I should not omit to raise my objection to the statement made by the Seconder of this motion that in all cases where an inam has been granted, it is only the melvaram that has been granted and not the kudivaram. I know of innumerable cases in districts south of Madras, cases of inams held by Mussalmans as well as Hindus, where both the varams have

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11-45 a.m. been granted. If they own not only the kudivaram but also the melvaram rights, they cultivate the land either themselves or through others. Except in the case of shares of big villages or whole villages, both kudivaram and melvaram rights are held by the archakas or pattars as they are called in our part of the country. To say that in every case only melvaram was given as emoluments for the services rendered, will not be correct. The Select Committee will have to go into the matter with care so that vested rights are not interfered with and the temple's rights are protected."

* Sriman M. G. PATNAIK Mahasayo:—" Sir, with regard to these minor inams, the presumption is that both the kudivaram and the melvaram rights are granted. There is absolutely no reason why any distinction should be made between kudivaram and melvaram so far as these minor inams are concerned. Of course, the Bill refers to both the kudivaram and melvaram rights. It is simply to show that the entire right should go to the new office-holder and not be retained by the person who held the land previously. No interest in the land should remain with the person dismissed from service. It should go to the person who is newly appointed. It is only with that intention that the words both 'kudivaram and melvaram' are found in the Bill. I do not think we need go into the question at all with regard to these minor inams. As has been suggested, the matter might be gone into at the Select Committee stage."

* Rao Bahadur Sir A. P. PATRO:—" Sir, I have not the advantage of listening to the hon. Member opposing this motion. But from the facts it is quite clear that the minor inamdars have both the rights. It will be hard to deprive them of those rights. In the case of temples, minor inams are granted to the temples themselves. Both melvaram and kudivaram rights are granted in these cases. If the land is resumed, then both the rights will be vested in the temple itself. Therefore it stands to reason that, whenever the inam is again granted to another person, the temple or the institution can give the right to the person succeeding. If the present occupant is dismissed or is deprived of the right, then it will vest in the temple and the temple will have the right to give it to the person who succeeds to the office. It is but right and just that this matter should be considered in the Select Committee."

* Mr. M. DEVADASAN:—" Sir, I move that Standing Order No. 39 (2) be suspended and the following names be added to the list of Select Committee Members:—

(1) Mr. R. Madanagopal Nayudu.
(2) Rao Sahib C. Jayaram Nayudu.
(3) Mr. H. M. Jagannatham.
(4) Swami A. S. Sahajanandam.
(5) Mr. V. P. Narayanan Nambiyar.
(6) Mr. M. A. Muthiah Chettiyar.

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This is an important Bill and it is necessary that these persons should be on the Select Committee."

Dr. P. SUBBARAYAN :—" Sir, I am afraid that even on short Bills it seems to have become the practice on the floor of this House to introduce a number of Members after the decision is come to between Leaders of Parties and the names have been suggested. I know that it has been the complaint of the Finance Department that the travelling allowance bill of the Legislative Council is going up because Members seem to desire to be on every Select Committee that can possibly be appointed by this House. I should deprecate hon. Members who are not Leaders of Parties getting up and suggesting names for being included in the Select Committee. I hope hon. Members will have the responsibility to realize that we are here as responsible representatives of the people of the Province and we ought to be as careful about spending the money of the tax-payer as the Government themselves are."

* Mr. M. DEVADASAN :—" I want to offer a personal explanation, Sir. My hon. Friend, Mr. Subbarayan, observed that motions are made without the Members feeling their responsibility. But I have to say that I moved this motion only with the consent of the majority of the Members of the Party of which I am a Member and he is not justified in making such observations."

Dr. P. SUBBARAYAN :—" Sir, may I ask whether he has the permission of the hon. the Raja of Bobbili who is supposed to lead the party behind him? "

* Mr. M. DEVADASAN :—" I made this motion, Sir, at the instance of the Whip of the Party of which I am a member."

Dr. P. SUBBARAYAN :—" Sir, may I ask again whether the Chief Whip has taken the permission of his Leader? "

* The hon. Sir MAHOMED USMAN :—" May I appeal to the hon. Member to withdraw his motion? "

* Mr. M. DEVADASAN :—" In view of the appeal made by the hon. the Leader of the House, I withdraw my motion."

* The hon. the PRESIDENT :—" The question is that the Bill to amend the Madras Hindu Religious Endowments Act, 1926 (Bill No. 19 of 1933) be referred to a Select Committee consisting of the names proposed."

The motion was declared lost.

A poll was demanded and the House divided thus :—

Ayes.

1 Mr. P. Bayappa Reddi.
2 ,, G. Lakshmana Reddi.
3 ,, M. A. Muthiah Chettiyar.
4 ,, A. V. Bhanoji Rao.
5 ,, K. M. Duraiswami Reddiyar.
6 ,, H. M. Jagannatham.
7 Rao Bahadur D. Krishnamurti.
8 Rao Sahib P. Subrahmanyam Chetti.
9 ,, D. V. Narasimhaswami.
10 Rao Sahib Pandit Ganala Ramamurti.
11 Mr. K. Kesavaramamurti Nayudu.
12 ,, J. A. Davis.
13 Dr. P. Subbarayan.

Ayes—cont.

14 Mr. K. R. Venkatarama Ayyar.
15 Mr. T. C. Srinivasa Ayyangar.
16 Khan Bahadur Mahmud Schamnad Sahib Bahadur.
17 Mr. A. B. Shetty.
18 Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.
19 Rao Bahadur P. C. Muthu Chettiyar.
20 Mr. Abdul Hameed Khan.
21 Basheer Ahmed Sayeed Sahib Bahadur.
22 Mr. U. C. Subrahmanya Bhatt.
23 ,, K. A. Nachiyappa Gounder.
24 ,, P. Peddi Raju.
25 ,, K. Singam Ayyangar.
26 Diwan Bahadur B. Muniswami Nayudu.
27 Mr. K. P. Raman Menon.
28 Diwan Bahadur C. S. Ratnasabhapati Mudaliyar.
29 Mr. M. S. Sreshta.
30 ,, P. V. Krishnayya Choudari.
31 Sriman M. G. Patnaik Mahasayo.
32 Diwan Bahadur M. Gopalaswami Mudaliyar.
33 Mr. C. Indrayya.
34 ,, J. Kuppuswami Choudari.
35 ,, G. R. Premayya.
36 ,, P. Madhusudanan Thangal.
37 Rao Bahadur R. K. Venugopal Nayudu.
38 Mr. C. R. Parthasarathi Ayyangar.
39 ,, K. Koti Reddi.
40 Rao Bahadur Sir A. P. Patro.
41 ,, C. Natesa Mudaliyar.
42 Mr. V. P. Narayanan Nambiyar.

Noes.

1 The hon. Sir Mahomed Usman.
2 ,, Diwan Bahadur Sir M. Krishnan Nayar.
3 ,, Sir Archibald Campbell.
4 ,, Sir Hopetoun Stokes.
5 ,, Diwan Bahadur S. Kumaraswami Reddiyar.
6 ,, Mr. P. T. Rajan.
7 ,, the Raja of Bobbili.
8 Diwan Bahadur V. N. Viswanatha Rao.
9 Mr. J. A. Thorne.
10 ,, H. M. Hood.
11 Diwan Bahadur N. Gopalaswami Ayyangar.
12 Mr. R. Madanagopal Nayudu.
13 ,, E. Conran Smith.
14 ,, M. D. T. Ranganatha Mudaliyar.
15 Mr. T. Narasa Reddi.
16 Rao Sahib N. Siva Raj.
17 Subadar-Major S. A. Nanjappa Bahadur.
18 Rao Bahadur R. Srinivasan.
19 Mr. M. Vedachala Mudaliyar.
20 ,, B. P. Sesha Reddi.
21 ,, P. C. Moses.
22 ,, P. V. Rajagopal Pillai.
23 ,, V. G. Vasudeva Pillai.
24 Rao Sahib V. Dharmalingam Pillai.
25 Raja of Khallikote.
26 Zamindar of Kirlampudi.
27 Diwan Bahadur A. Appadurai Pillai.
28 S. M. K. Beyabani Sahib Bahadur.
29 Diwan Bahadur S. Ellappa Chettiyar.
30 Mr. C. Basu Dev.
31 ,, R. M. Palat.
32 ,, C. Krishnan.

Neutral.

1 Rao Bahadur G. Jagannatha Raju.
2 Mrs. K. Alamelumangathayaramma.
3 Khan Bahadur Yahya Ali Sahib Bahadur.
4 Mr. M. Devadasan.
5 ,, G. Sriramulu.
6 ,, W. P. A. Soundara Pandian.
7 ,, Daniel Thomas.
8 ,, V. M. Ramaswami Mudaliyar.
9 Mr. M. A. Manikkavelu Nayakar.
10 ,, M. B. Rangaswami Reddi.
11 ,, F. Birley.
12 ,, J. K. Metherell.
13 ,, W. K. M. Langley.
14 ,, W. W. Ladden.
15 ,, W. H. Millar.
16 ,, G. Simhachalam.

Ayes 42. *Noes* 32. *Neutral* 16.

The motion was carried.

VII.—THE MADRAS MATERNITY BENEFIT BILL (BILL No. 10 OF 1933).

12 noon. * Mr. V. M. Ramaswami Mudaliyar :—" Mr. President, I move—

'*that the Madras Maternity Bill* (*Bill No.* 10 [a] *of* 1933) *be referred to a Select Committee.*'

[a] Published in the *Fort St. George Gazette* on 15th August 1933.